## REMARKS

The Examiner continues to assert that "upon" means "in response to" or "after." The assertion that "on queue" means "any time after queue" is baseless. "On queue" means "on queue," not whenever you get around to it. "Cash on delivery" does not mean three days after delivery, it means cash on delivery. The assertions set forth in the response to arguments, paragraph 13, are inconsistent with normal English usage and are without any basis.

However, even if one were to accept the Examiner's definition, the reference fails to teach the claim limitations even as overbroadly interpreted by the Examiner. The Examiner suggests that it would be inherent that the metadata would be accessed, after a system boot. But, of course, the problem is that after a system boot, in the cited reference, there would be no metadata to access. As explicitly pointed out at page 7, lines 11-17, when a write operation requested by the computer system 10 is complete, with the modified record having been successfully written from the cache memory system 120 back to the disk drive system 100, all space used from the non-volatile memory 130 for storage and management of the track associated with the record is de-allocated. Therefore, after a boot, if somehow, despite the absence of any teaching, the system attempted to access the alleged metadata, it would find nothing. Therefore, there would no reason for it to access the second partition section, if it even had one, in response to or after a system boot.

The Examiner suggests that the accessing might be inherent since the system is for the purpose of retaining data in the event of a power failure and if there is a power failure, the system must wait until booting before being able to access the data associated with the descriptors. As explained on page 7, lines 18-24, if the write operation is unsuccessful, it is all tried again and, if successful, the data would then be de-allocated as indicated in the paragraph above.

Thus, the inherency argument does not work since the reference is explicit that it could not work as postulated in the office action.

Claim 22 calls for a fourth group of instructions to access the second partition section "during" a system boot. Thus, there can be no question but that this claim calls for something happening during the boot. This is a sequence or operation which is nowhere suggested in the cited reference. It cannot be inherent because, as the Examiner points out, instead of being

during the boot, such an access, if it even occurred, (which it does not) could be long after the boot.

The only basis for the persistence is the suggestion that Kumar teaches accessing configuration data during a boot. Of course, every computer system accesses configuration data during a boot. The logic of the rejection is that because something gets accessed during a boot in Kumar that this teaches accessing something else during a boot. Of course, it does not. Accessing configuration data is a normal operation. There is no prior art which ever suggests accessing the separately partitioned metadata during a system boot.

Therefore, the rejection of claim 22 is plainly without any support whatsoever.
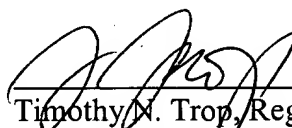
Similarly, claim 27 calls for doing something in a system boot. Again, there is no basis for a rejection of claim 27 and reconsideration is requested.

In summary, the rejection of claims is based on an erroneous definition of "upon" in the case of claim 1. Moreover, the rejection of all the claims is based on a postulated operation to reference which is inconsistent with the reference's own teaching. The rejection of claims with words like "during" or "in," based on Kumar, is not commensurate with the claim scope.

Therefore, the rejection of claim 1 and of the other claims should be reconsidered.

Respectfully submitted,

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